

### **EXAMINER INTERVIEW SUMMARY**

Initially, the applicant would like to thank the Examiner for conducting an interview with the inventor and the undersigned attorney on April 15, 2008 to discuss the subject matter of the cited Ehlers U.S. Patent No. 5, 572,438 and the Peevey U.S. Patent No. 7,043,459. The applicant also wishes to thank the Examiner for the time taken to consider proposed claims that incorporate the discussions with the Examiner, which have now been submitted as new claim 64 and 65 in the present application.

### **REMARKS**

In the Office Action, the Examiner issued a non-statutory double patenting rejection. Specifically, claims 1 and 33 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 1, 37 and 42 of copending Application No. 10/628,519 and over claim 1 and 29 of copending Application No. 10/628,504.

By the present response, the applicant is hereby submitting Terminal Disclaimers to overcome the double patenting rejection issued by the Examiner.

In the Office Action, claim 1, 3, 8-30, 33 and 41-61 were rejected under 35 USC §103(a) as being unpatentable over the Ehlers U.S. Patent No. 5,572,438 in view of the Peevey U.S. Patent No. 7,043,459. Claims 9 and 40 were rejected under 35 USC §103(a) in view of the Ehlers and Peevey references in further view of official notice.

By the present response, original independent claim 1 and 33 have been cancelled. Based upon the telephone interview with the Examiner on April 15, 2008, the applicant has added new claims 64 and 65. New claim 64 is directed to a method of providing a consumption management system to a plurality of customers while claim 65 is directed to a system for allowing a utility to selectively reduce the consumption of a commodity. The remaining claims in the application have been amended to depend upon one of the new independent claims 64 and 65.

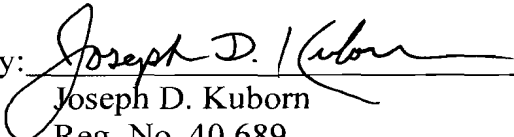
Application No. 10/628,644  
Amendment Dated May 9, 2008  
Reply to Office Action of November 9, 2007

Based upon the discussions with the Examiner during the telephone interview on April 15, 2008 and subsequent discussions regarding new claims 64 and 65, independent claim 64 and 65 are believed to be allowable over the combination of references previously relied upon by the Examiner. The remaining claims 3, 5-6, 8-10, 14-26, 28-30, 35, 37-38, 40-41, 44-57 and 60 depend from one of the newly added independent claims. Since new claims 64 and 65 are believed to be allowable, the remaining dependent claims are also believed to be in condition for allowance.

The Examiner is invited to contact the applicant's undersigned attorney with any additional changes or comments regarding the new claims in the application.

Respectfully submitted,

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